



TOWN OF

KENSINGTON

SEPTEMBER
2003
JOURNAL

Upcoming Meeting Schedule

Monday, September 22 at 7:00 p.m.

Public Hearing on a Variance Request for 3817 Calvert Place
Public Hearing on Proposed Changes to Chapter V of the
Town of Kensington Code, Housing and Building Regulations
(see page 4 for proposed changes)

Town Meeting immediately following Public Hearings

Tuesday, October 7, 7:00 p.m. Work Session
October 27, 7:30 p.m. Town Meeting
November 3, 7:00 p.m. Work Session
November 24, 7:30 p.m. Town Meeting
December 15, 7:00 p.m. Work Session

Event

Kensington 8K Race, 2 Mile Challenge and 1K Fun Run
Saturday, September 20th

Reminder

The Town Offices will be closed on Monday, October 13th.
Trash pick up will be on Tuesday, October 14th.

Contact us at 3710 Mitchell Street, Kensington, MD 20895
Phone: 301-949-2424; Fax: 301-949-4925;
E-mail: mayor.council@tok.org; Web Site: www.tok.org

Information on Upcoming Events

Kensington 8K Race

Don't forget the Kensington 8K Race on Saturday, September 20. Please remember that the 2-Mile Challenge begins at 7:45 a.m. this year. This is a change from previous years. The 8K Race will start at its usual time, 8:30 a.m., followed by the 1K Fun Run start at 8:35 a.m. Please remember that there is no parking along the parade route from 8:00 a.m. until 10:15 a.m. on race day. Thanks so much for your cooperation.

If you would like more information, please contact Jenny Smith at 301-946-3804 or jenny.kensington@verizon.net.

12th Annual Kite Festival

Fall Flying Fun! The Town of Kensington celebrates its 12th Annual Kite Festival on Sunday, October 26th, 2003. The Festival will take place at Rock Creek Hills Park (Saul Road and Kensington Parkway just off Haverhill Drive) from 11 a.m. to 2 p.m.

A free children's kite building workshop will be held throughout the day of the event. All children who participate can build, fly and take home a great flying kite that they will be able to decorate at the Festival.

Other activities include a highest flying kite contest, professional kite demonstrations by Wings Over Washington, awards given out for home built kites brought to the event and face painting. Also, back by popular demand, will be "Junk Yard Kites" - a contest where participants must build a flying kite in one hour out of a surprise medley of materials provided. Awards will be presented based on flying capability, construction and design.

If you are interested in more information or would like to volunteer to help out with event activities, please contact Val Deale at 301-933-9640 or by E-Mail at valvoo@msn.com.

Holiday Celebration Information

Plans are already underway for the Town of Kensington's Holiday Celebration in December. Last year residents gathered in front of Town Hall to watch the tree-lighting and then walked over to the Howard Avenue Park in front of the Prevention of Blindness shop to enjoy refreshments provided by the Kensington Historical Society and music and entertainment provided by the Kensington Arts Theatre performers. Remember we already had snow on the ground!

Last year our Holiday Celebration event was held on the first Friday of December during the evening of the traditional "Open House" hosted by the antique shops and businesses. This year our Holiday Celebration event will take place at the Howard Avenue Park on the same "Open House" evening. Earlier that week Town Hall will be decorated with

lights and holiday wreaths. The Committee hopes a volunteer will step forward to supervise the stringing of lights on the large tree in front of Town Hall. Decorating the large tree involves finding a sponsor to purchase lights and scheduling time with a tree service contractor. The lights take between three to four hours to hang. The volunteer will also be responsible for scheduling lights removal in early January.

This year our Holiday Celebration event will take place at the Howard Avenue Park in front of the Prevention of Blindness shop on the "Open House" evening. Once again, we hope to use our connection with the North Pole at the Kensington Volunteer Fire Station to bring Santa Claus to us via a fire truck to help us turn on the lights on a fresh cut evergreen tree at the Howard Avenue Park. Refreshments and music will be provided at the Howard Avenue Park for children and adults to enjoy.

If you are interested in planning or volunteering to help with this year's Holiday Celebration, please contact the Town Office at 301-949-2424.

Labor Day – A Terrific Success!

Labor Day Parade

Thanks so much to all the wonderful volunteers who made this year's Labor Day parade a terrific success! The parade simply could not happen without your help. Thanks also to Shirley, Louise and Susan for providing such cheerful and competent office support, and to Dave Furman and his dedicated crew for putting in a tough day of work on Labor Day. The parade had quite a few new entries, including four high school marching bands, the WMZQ/Turkey Hill cow, and a Bolivian dance troop. We hope our residents enjoyed these changes and would welcome feedback and suggestions for next year. Please feel free to contact Jenny Smith at 301-946-3804 or jenny.kensington@verizon.net.

Float Competition

A hearty congratulations to the Perry Avenue gang, who once again won the float competition! Their float this year was entitled "American Ingenuity, Invention and Labor". This same group won the float competition two years ago with a Halloween float. We look forward to seeing their float competition entry next year!

Building Permits Issued

Addition at 10217 Summit Avenue
Addition at 10604 Wheatley Street
Deck/Addition at 3514 Perry Avenue
Sign at 3730 Howard Avenue
Deck at 3418 Oberon Street
Shed at 10207 Summit Avenue

Farmers Market

Don't forget to stop by the Farmers Market Saturdays 8:00 – 12:00.

Attention Kensington Residents

Are you a life long resident of Kensington? Are you 85 years of age or older? If you answer yes to both of the above questions, let the Town Office know. The Mayor would like to present you with a certificate of recognition for your continued support of our Town.

Proposed Changes to Chapter V of the Town Code

Article 1. Building Code

Section 5-102. Town Building Permit Required

- (a) It shall be unlawful to construct, enlarge, alter, remove, or demolish any building or structure or part thereof or install a fence, without first obtaining a building permit from the Town. Application therefore, together with
 - (1) a copy of the plans and specifications for the work;
 - (2) a plot plan drawn to scale showing:
 - (a) the lot on which the proposed structure is to be erected, including lot dimensions and easements (if applicable);
 - (b) name and width of abutting streets
 - (c) location and dimensions of existing buildings on the same lot,
 - (d) distance from adjacent homes; and
 - (e) front, rear and side yard widths.
 - (3) evidence of approval of all variances necessary for the completion of the construction if required.

shall be filed with the Clerk-Treasurer, who shall issue the permit after review of the Mayor and Building Inspector, with the latter being satisfied that all such work shall comply with all ordinances of the Town.

Section 5-104. Building Lines

- (a) The Council may establish a uniform building line upon any street on land zoned for single-family residential use and require that buildings or structures thereafter erected conform to such line.

- (b) Unless a variance is granted in accordance with this Section, no dwelling or any part or projection thereof on land zoned for single-family residential use shall be erected or located nearer than twenty-five (25) feet to the line of the street on which the dwelling will face, nor shall any dwelling or any part or projection thereof approach nearer than ten (10) feet to either side lines of the lot on which said dwelling is located or be located nearer than fifteen (15) feet to any other dwelling nor shall any dwelling or any part or projection thereof be located nearer than twenty (20) feet to the back line of the lot.
- (c) Notwithstanding any contrary definition in Chapter 59 of the Montgomery County Code or practical application by the County thereof, the phrase “dwelling or any part or projection thereof” in subsection (b) above shall exclude the following: cornices, eaves, roof overhangs, air conditioners, heat pumps, and window wells that are not attached to any outside stairway or other mode of ingress and egress. Chimneys and exterior window wells attached to outside stairways or used for ingress and egress and stairways themselves are “parts or projections” of the dwelling for purposes of this Section.
- (d) Upon written request for a variance in accordance with this Section, the Council may in its discretion approve alternative building lines when it appears that:
 - (1) By reason of exceptional narrowness, shallowness, shape, topographic conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of building lines would cause the owner of such property peculiar or unusual practical difficulties or exceptional or undue hardship;
 - (2) In the case of improvements to nonconforming existing structures legally erected, the proposed building lines or setbacks will be greater than existing setbacks;
 - (3) The requested variance is the minimum necessary to overcome the unique condition of the property; and
 - (4) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties and the interests of the Town as a whole.
- (e) In addition to the conditions above the Council shall consider the spacing and setbacks of nearby structures in considering approval of alternative building lines.
- (f) To apply for a variance, the applicant shall:
 - (1) Complete a Variance Application;
 - (2) Pay to the Clerk-Treasurer a variance application and sign fee, the amount of which shall be determined by resolution of the Council from time-to-time; and
 - (3) Provide seven (7) copies of the following:
 - (i) Variance Application;

- (ii) A survey, plat or other accurate drawing(s) showing boundaries, dimensions, area, topographical and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property line;
 - (iii) Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction;
 - (iv) A listing and set of mailing labels with the names and mailing addresses of the adjoining and confronting property owners; and
 - (v) A copy of the official zoning vicinity map of the 1,000 feet radius surrounding the subject property to indicate the general condition of use and existing improvements on adjoining and confronting properties (i.e., outline of lot, improvements on lots, other variances granted, zoning).
- (g) Within ten (10) days of its receipt of all items required by subsection (f), the Town will post a sign visible and legible from the street fronting the property identifying the nature of the variance requested and provide the date of the public hearing on the variance.
- (h) Work on buildings or alterations must be commenced within six (6) months after the issuance of any building permit, and must be completed within one (1) year from the date of issuance. The Town Council may grant an extension upon a reasonable showing that there has been no material change in circumstances since the issuance of the permit and despite due diligence by the permittee, additional time is necessary to accomplish the approved construction. Failure to complete all work in accordance with this subsection and with the terms of the building permit by the expiration date of such permit (and any extension granted) shall be a municipal infraction of this Code. Each day (after the permit expires) that such work is incomplete shall constitute a separate infraction.

Article 4. Historic Preservation

Add before Section 5-401

The Town accomplished the inclusion of its Historic District on the National Register of Historic Places in 1980. In 1986, the district was designated as a Montgomery County Historic District. The district is distinguished as a collection of late 19th and early 20th century houses exhibiting a variety of architectural styles popular during the Victorian period including Queen Anne, Shingle, Eastlake, and Colonial Revival. The houses share a uniformity of scale, set back, and construction materials that when coupled with the subdivision plan creates a Victorian garden suburb. ***The Vision of Kensington*** has been adopted as the preservation guideline for the Town's Historic District.

LETTER TO HISTORIC DISTRICT HOMEOWNER WHEN A VARIANCE IS APPROVED:

Your request for variance at _____ for _____ has been approved pursuant to Section 5-104 of the Town Code. While the Town has approved the variance, it is leaving the design approval to the authority of the Montgomery County Historic Preservation Commission consistent with the guidelines set forth in the *Vision of Kensington*: that houses in the Town's historic district should share a uniformity of scale, set back, and construction.

NOTICE TO HISTORIC PRESERVATION COMMISSION WHEN A VARIANCE IS APPROVED IN THE HISTORIC DISTRICT:

A request for variance at _____ for _____ has been approved pursuant to Section 5-104 of the Town Code. While the Town has approved the variance, it is leaving the design approval to the authority of the Historic Preservation Commission consistent with the guidelines set forth in the *Vision of Kensington*: that houses in the Town's historic district should share a uniformity of scale, set back, and construction.

Message from the Mayor's Desk

Labor Day was a great success thanks to Jenny Smith and all our wonderful volunteers. What a great way to end a long hot and rainy summer. Many citizens have contacted the Town office to let us know how much they enjoyed the parade and most of all the high school bands.

Thanks Jenny for a job well done!

The Mayor attended a State Board of Public Works meeting in Governor Ehrlich's office to support the Program Open Space funding for Phase III of St. Paul Park. The funding was approved. When Phase II is complete, Phase III will begin.

A letter to County Council President Mike Subin was sent from the Mayor asking for a sector plan review to begin as soon as possible. The last approved sector plan for our Town was in 1978. The Town has changed over the last twenty-five years with revitalization efforts, continued growth in the commercial areas, residential improvements, additions and new house construction.

The continued growth upcounty has impacted the Town with more traffic on Connecticut, Knowles and Metropolitan Ave, and diminished the quality of life for all. An updated sector plan will help us address the problems of today and plan for the future. The Town Council looks forward to working with MNCP&PC to develop the new sector plan for Kensington.

COUNCIL REPORTS

Council Member Carr

Town Walks – Last fall and winter, I worked with the Traffic Committee to organize a series of Town Walks. The walks were informative and fun. Thanks to the active participation of many residents, we were able to compile a list of suggested pedestrian and traffic improvements in many areas of Town. Watch the journal for more Town Walks this fall.

Grant Proposal – I will be working this September to put together a grant application to the State of Maryland under the Transportation Enhancement Program. My goal is to get matching funds from the state to enable the town to make pedestrian improvements next year in our central business district and near the MARC train station. The list of improvements identified in the Town Walks will serve as the basis for the grant application.

Traffic Committee Vacancies – There are several vacancies on the Traffic Advisory Committee. Unrepresented streets include Baltimore St. west, Fawcett St., Montgomery, Prospect, Summit, and Mannakee St. Please contact me or call the Town Office if you are interested in serving on the committee, or would like to obtain information or provide suggestions.

Council Member Timlin

I would like to take a moment to discuss what I think are the major issues and decisions facing the Council and Town. Your input and opinions on important matters will help to shape the debate and inform the council in its choices. Matters of importance include:

- * The Council will hold a hearing at the Sept. 22 meeting to consider the question of sideyard setbacks and variance procedures for those remodeling or building a new home. Council Members Pfautz and Cowan have spent the summer composing and editing (with comments from the full council and citizens) a revised ordinance on these questions. As I've spoken with citizens, you've reaffirmed your pride in our Town's dedication to open spaces and historic preservation as a broad goal. Yet how best do we achieve these goals while maximizing individual interest in their home and property? Please put some thought into these issues, feel free to contact me with comments, and consider attending the hearing later this month.

- * The efforts of many motivated residents and merchants from in and around Kensington are a huge benefit to the latest phase of revitalization. Unification is the challenge of this group. It is a challenge that requires more than bricks and street trees. The challenge calls on us to respond and support the vitality of our business districts. In addition to fascinating treasures in unrivaled shops and galleries, Kensington offers its residents things vital for everyday life. Within walking distance we will find: grocery stores, hardware store, drug stores, a lumber yard, dry cleaners,

shoe repair, clock repair, tuxedo rental, car repair shops, a garden center, medical services, definitely gas stations – and more. We enjoy a unique and strong blend of services nearby our homes. Yet issues that afflict you such as traffic, pedestrian safety, and parking, also impact these businesses. And creating Kensington as a niche, while traditional “mall” business communities pop up ever closer, is becoming an urgent task. If you would like to help in these efforts as we go forward, please feel free to contact me (see below) and take on the level of volunteering that fits for you.



Revitalization

Toolbox

Revitalization Committee	September 16, 2003	Town Hall	7pm
Please feel free to volunteer for this group. Send your self-nomination form to me at Mayor.Council@tok.org . I will gladly forward them to the group and contact you.			
Promotions Workshop	October 1, 2003	\$20	9-11am
At the Wheaton Redevelopment Program office. For more info please contact Nancy Gasko at nancy.gasko@montgomerycountymd.gov			
Signage Workshop	November 6, 2003	Town Hall	6pm
(Since our code enforcement officer is out with a broken foot, we may need to postpone this meeting. Keep your eyes on this feature for updates.)			

Work Session of Mayor & Council

August 28, 2003

The Work Session commenced at 7:05 p.m. Mayor Raufaste, Council Members Carr, Cowan, and Timlin, Director of Operations Furman, and Clerk-Treasurer Engels were present and the following issues were addressed:

The minutes from the July 7, and July 14, 2003 Town Meeting were reviewed.

The Project List was reviewed and updated. Because there is no pending Council action, outsourcing trash, sidewalk on the westside of Connecticut Avenue, and Kensington Parkway Bike Path have been removed from the project list. Crosswalks at Lexington, Dupont, and Farragut have already been addressed and were removed from the project list.

The Council discussed the proposed changes to the building permit and variance part of the Code and will discuss further at the next Work Session.

The Mayor and Council reviewed the letter to be sent in support of funding for the TEA21 transportation program.

Council Actions

Council Member Carr moved to approve the minutes from the July 7 and the July 14 Work Session with minutes from July 7 being amended as follows: Responsibilities for Connecticut Avenue planning of residential and commercial areas are divided between Council Member Carr and Council Member Timlin with final approval of the Traffic Committee for any recommended changes before being presented to the Council. Council Member Cowan seconded and it passed unanimously.

Council Member Cowan moved to approve the contract with AccuTech for installation of the fire alarm system. Council Member Timlin seconded and it passed unanimously.

There being no further business, the meeting adjourned at 9:10 p.m.

Work Session of Mayor & Council

September 2, 2003

The Work Session commenced at 7:05 p.m., Mayor Raufaste, Council Members Carr, Cowan, Pfautz, Timlin, Director of Operations Furman, and Clerk-Treasurer Engels were present and the following issues were addressed:

A public hearing was held on a variance request for 3613 Farragut Avenue. William Bonstra and Brian Forehand were present from Bonstra Architects. The owners requested a variance for an encroachment of 2 feet into the 10 foot side yard setback on the east side and for an encroachment of 4 feet into the 10 foot side lot line setback on the west side for a two-story rear addition, one story entry along the east side, and one story open trellis along the west side. There was no opposition from the neighbors.

The Council discussed proposed changes to the building permit and variance part of the Code, changes will be incorporated into it and a public hearing will be held on September 22nd.

The monthly correspondence was reviewed. The Mayor will contact the County Department of Permitting Services to follow up on a complaint received from a resident regarding the location of a garage at 10105 Frederick Avenue.

Council Actions

Council Member Cowan moved to grant the requested variance for 2 foot from the required 10 foot side yard setback on the east side and for 4 foot from the required 10 foot side yard setback on the west side at 3613 Farragut Avenue based on there being no

detriment to adjoining properties in the neighborhood. Council Member Carr seconded and it passed unanimously.

Council Member Pfautz moved to approve resolution 2003-04 as read by the Mayor for an easement to be granted to the State for bond bill funds to be used for the Town Hall facade. Council Member Carr seconded and the motion passed unanimously with the Mayor concurring.

Council Member Cowan moved to approve a change to the personnel policy to permit the use of up to 40 hours of accumulated sick leave to supplement workers' compensation up to the full level of the employee's normal compensation. Council Member Carr seconded and it passed unanimously.

Council Member Cowan moved to approve the West Howard Antique District Sign as proposed for Connecticut Avenue at the corner of Howard Avenue. Council Member Timlin seconded and the motion passed unanimously.

There being no further business, the meeting adjourned at 9:30 p.m.

Operations Report

Solid Waste, Brush, and Leaves:

There have been complaints from the Public Works Crew that maggots have been crawling on them from trashcans that are not lined. Please do not put loose trash in cans and keep your cans washed. Thank you.

If we are experiencing Hurricane Force Winds on Friday, there will be no trash pick up on Friday.

No plastic bags for brush and leaves. All brush should be paper yard bagged or tied. Fall bulk leaf pick up will begin about Mid October.

Street and Road Repairs:

Kensington Parkway, Armory Ave, and Warner Street east of Conn. Ave will be re-paved in Mid October. These roads will experience closing during repaving. Residents along these roads will be given special notices. E-announcements will be made to keep residents informed.

Playground Re-Mulching will start next Tuesday.

Storm Check List:

- Batteries, water, canned food.
- Do Not Park near a Bradford Pear Tree
- Secure all yard objects, furniture, toys, ornaments, etc.
- Reduce travel during storm.
- Beware of live power wires.

Notification of Public Hearing

The Town has been notified as follows of Case No. A-5929, Appeal of Darin R. Bartram and Clifford J. Scharman.

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, MD, in the Second Floor Davidson Memorial Hearing Room on Wednesday, the 22nd day of October, 2003, at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Department of Permitting Services, in the issuance of Building Permit Number 311892, dated July 21st, 2003 and for the change in the Use and Occupancy Permit Number 223020, dated August 1, 2003 contending that Section 59-E-6.1; 59E-6.3; 59E-3.7; 59E2.22 (b) of the Montgomery County Code was misinterpreted.

The subject property is in Lot 12, located at 3514 Plyers Mill Road, Kensington, Maryland 20895.

KENSINGTON ARTS AND HUMANITIES SERIES

Thursday, October 16th at 7:30 p.m.

We begin the fall and winter series with a reception followed by a fascinating talk by Kensington resident Harry McPherson on:

“Living with LBJ”



Mr. McPherson will talk about his experiences working with LBJ in the White House. Tapes LBJ made while President are currently being played on C-SPAN radio at 90.1 FM from 3:00-5:00 p.m. Saturday afternoon.

Help Plan Future Events!

Please join us before the talk at 7:00 p.m. for a reception to kick-off the fall and winter series. We want to hear your thoughts on program topics, speakers, and other activities. Plans are underway for a spring arts show, winter movies and future speakers – organizers, planners, volunteers needed!

Kensington Arts and Humanities
Kensington, Maryland 20895

Contacts: Dan Botkiss 301.949.0051; Anne Barville 301.942.6121; Wendy Miller 301.962.6170; Leanne Pfautz 301.942.4821; Wat Stewart 301.933.8283;
(we're hoping to add more names here.....)